

JAN 22 2009

**Board of Vocational Nursing
and Psychiatric Technicians**

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9
10 **BEFORE THE**
11 **BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. VN-2005-846

14 **SONJA R. DERY, A.K.A.**
15 **SONJA RUTH DERY, A.K.A.,**
16 **SONJA RUTH BAKER, A.K.A.,**
17 **SONJA RUTH SINGO, A.K.A.,**
18 **SONJA RUTH BOSWELL**
19 556 West J Street
Chula Vista, California 91910-5302

ACCUSATION

20 Vocational Nurse License No. VN 154198

Respondent.

21 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

22 **PARTIES**

23 1. Complainant brings this Accusation solely in her official capacity as the Executive
24 Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department
25 of Consumer Affairs.

26 **Vocational Nurse License**

27 2. On or about August 23, 1991, the Board issued Vocational Nurse License Number
28 VN 154198 to Sonja R. Dery, also known as Sonja Ruth Dery, Sonja Ruth Baker, Sonja Ruth

1 Singo, and Sonja Ruth Boswell ("Respondent"). The vocational nurse license expired on May
2 31, 2007.

3 STATUTORY PROVISIONS

4 3. Section 2875 of the Business and Professions Code ("Code") provides, in
5 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
6 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing
7 Practice Act.

8 4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of
9 a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the
10 period within which the license may be renewed, restored, reissued or reinstated. Under Code
11 section 2892.1, the Board may renew an expired license at any time within four years after the
12 expiration.

13 5. Code section 2878 states, in pertinent part:

14 The Board may suspend or revoke a license issued under this chapter [the
15 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of
the following:

16 (a) Unprofessional conduct.

17
18 (f) Conviction of a crime substantially related to the qualifications,
19 functions, and duties of a licensed vocational nurse, in which event the record of
the conviction shall be conclusive evidence of the conviction.

20 6. Code section 2878.5 states, in pertinent part:

21 In addition to other acts constituting unprofessional conduct within the
22 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

23 (a) Obtain or possess in violation of law, or prescribe, or except as
24 directed by a licensed physician and surgeon, dentist or podiatrist administer to
himself or herself or furnish or administer to another, any controlled substance as
25 defined in Division 10 of the Health and Safety Code, or any dangerous drug as
defined in Section 4022.

26 (c) Be convicted of a criminal offense involving possession of any
27 narcotic or dangerous drug, or the prescription, consumption, or
28 self-administration of any of the substances described in subdivisions (a) and (b)
of this section, in which event the record of the conviction is conclusive evidence
thereof.

1 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
2 unintelligible entries in any hospital, patient, or other record pertaining to
narcotics or dangerous drugs as specified in subdivision (b).

3 7. Code section 4060 states, in pertinent part:

4 No person shall possess any controlled substance, except that furnished to
5 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian,
6 or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant
7 to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician
8 assistant pursuant to Section 3502.1. This section shall not apply to the
possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled
with the name and address of the supplier or producer.

9 8. Health and Safety Code section 11350, subdivision (a) provides that except as
10 otherwise provided in this division, every person who possesses (1) any controlled substance
11 specified in subdivision (a) or (c), or paragraph (1) of subdivision (f) of section 11054, specified
12 in paragraph (14), (15), or (20) of subdivision (d) of section 11054, or specified in subdivision
13 (b), (e), or (g) of section 11055, or (2) any controlled substance classified in Schedule III, IV, or
14 V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist,
15 or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
16 prison.

17 9. Health & Safety Code section 11173, subdivision (a) provides that no person shall
18 obtain or attempt to obtain controlled substances, or procure or attempt to procure
19 the administration of or prescription for controlled substances, (1) by fraud, deceit,
20 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

21 COST RECOVERY

22 10. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations
24 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 11. Respondent is subject to discipline under Code section 2878, subdivision (f), in
4 that on February 15, 2008, in the Superior Court, County of San Diego, California, in the matter
5 entitled *People vs. Sonja Ruth Dery*, Case No. CS216236, Respondent was convicted by the
6 court on her plea of guilty of violating Health & Safety Code section 11350, subdivision (a)
7 (possession of a controlled substance), a felony. The circumstances of the crime are that between
8 July 1, 2005, and August 31, 2005, Respondent possessed the controlled substance Morphine
9 without lawful authority.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Conviction for Possession of the Controlled Substance Morphine)**

12 12. Respondent is subject to disciplinary action under Code section 2878.5,
13 subdivision (c), on the grounds of unprofessional conduct, in that Respondent has been convicted
14 of a crime involving the possession of the controlled substance Morphine, as more particularly
15 set forth in paragraph 13, above.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Obtained and Possessed Controlled Substances in Violation of Law; Self Administration)**

18 13. Respondent is subject to discipline under Code section 2878.5, subdivision (a), on
19 the grounds of unprofessional conduct, in that Respondent committed the following acts:

20 a. From July 28, 2005, to August 24, 2005, Respondent obtained the
21 controlled substances Morphine and Dilaudid by fraud, deceit, misrepresentation or subterfuge by
22 taking the drugs from hospital supplies, in violation of Health & Safety Code section 11173,
23 subdivision (a).

24 b. From July 28, 2005, to August 24, 2005, Respondent possessed the
25 controlled substances Morphine and Dilaudid without lawful authority in violation of Code
26 section 4060.

27 c. In or about July/August 2005, Respondent self-administered the controlled
28 substances Morphine and Dilaudid.

FOURTH CAUSE FOR DISCIPLINE

(Falsified Hospital Records)

14. Respondent is subject to discipline under Code section 2878.5, subdivision (e), for unprofessional conduct, in that on or about July 28, 2005, to August 24, 2005, while on duty as a vocational nurse at Kaiser Hospital, Bonita, California, Respondent falsified or made grossly incorrect, inconsistent or unintelligible entries in hospital records, as follows:

Patient 1

a. On July 28, 2005, at 1515 hours, Respondent withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution Record when there was no physician's order. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

Patient 2

b. On July 29, 2005, at 1035 hours, Respondent withdrew 4 mg of the controlled substance Dilaudid from the Controlled Drug Distribution Record when there was no physician's order. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

Patient 3

c. On July 29, 2005, at 1620 hours, Respondent withdrew 15 mg of the controlled substance Morphine from the Controlled Drug Distribution Record; however, this person was not a patient at Kaiser on this date. Respondent failed to account for the disposition of any portion of the Morphine in any hospital record.

Patient 4

d. On August 1, 2005, at 0945 hours, Respondent, using a fictitious name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution Record when there was no physician's order. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

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Patient 5

e. On August 1, 2005, at 1400 hours, Respondent withdrew 8 mg of the controlled substance Morphine from the Controlled Drug Distribution Record when there was no physician's order for Morphine for this patient. Respondent failed to account for the disposition of any portion of the Morphine in any hospital record.

Patient 6

f. On August 2, 2005, at 1000 hours, Respondent withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution Record; however, this person was not a patient at Kaiser on this date. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

Patient 7

g. On August 2, 2005, at 0930 hours, Respondent, using another nurse's name, withdrew 8 mg of the controlled substance Morphine from the Controlled Drug Distribution Record; however, this person was not a patient at Kaiser on this date. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

Patient 8

h. On August 3, 2005, at 1100 hours, Respondent, using another nurse's name, withdrew 10 mg of the controlled substance Morphine from the Controlled Drug Distribution Record; however, this person was not a patient at Kaiser on this date. Respondent failed to account for the disposition of any portion of the Morphine in any hospital record.

Patient 9

i. On August 4, 2005, at an unknown hour, Respondent, using another nurse's name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient when there was no physician's order. Respondent failed to account for the disposition of any portion of the Dilaudid in any hospital record.

Patient 10

j. On August 8, 2005, at 1030 hours, Respondent, using another nurse's name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution

1 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
2 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

3 **Patient 11**

4 k. On August 9, 2005, at 1000 hours, Respondent, using another nurse's
5 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
6 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
7 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

8 **Patient 12**

9 l. On August 9, 2005, at 1600 hours, Respondent, using another nurse's
10 name, withdrew 15 mg of the controlled substance Morphine from the Controlled Drug
11 Distribution Record for this patient when there was no physician's order. Respondent failed to
12 account for the disposition of any portion of the Morphine in any hospital record.

13 **Patient 13**

14 m. On August 10, 2005, at 1010 hours, Respondent, using another nurse's
15 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
16 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
17 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

18 **Patient 14**

19 n. On August 10, 2005, at 1610 hours, Respondent, using another nurse's
20 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
21 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
22 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

23 **Patient 15**

24 o. On August 11, 2005, at 1105 hours, Respondent, using another nurse's
25 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
26 Record for this non-existent patient. Respondent failed to account for the disposition of any
27 portion of the Dilaudid in any hospital record.

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1 **Patient 16**

2 p. On August 11, 2005, at an unknown hour, Respondent, using another
3 nurse's name, withdrew 15 mg of the controlled substance Morphine from the Controlled Drug
4 Distribution Record for this patient; however, this person was not a patient at Kaiser on this date.
5 Respondent failed to account for the disposition of any portion of the Morphine in any hospital
6 record.

7 **Patient 17**

8 q. On August 12, 2005, at 0945 hours, Respondent withdrew 8 mg of the
9 controlled substance Dilaudid from the Controlled Drug Distribution Record for this non-existent
10 patient. Respondent failed to account for the disposition of any portion of the Dilaudid in any
11 hospital record.

12 **Patient 18**

13 r. On August 12, 2005, at 1201 hours, Respondent, using another nurse's
14 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug
15 Distribution Record for this non-existent patient. Respondent failed to account for the
16 disposition of any portion of the Dilaudid in any hospital record.

17 **Patient 19**

18 s. On August 12, 2005, at 1515 hours, Respondent, using another nurse's
19 name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
20 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
21 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

22 **Patient 20**

23 t. On August 17, 2005, at 1130 hours, Respondent withdrew 6 mg of the
24 controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient;
25 however, this person was not a patient at Kaiser on this date. Respondent failed to account for
26 the disposition of any portion of the Dilaudid in any hospital record.

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1 **Patient 21**

2 u. On August 18, 2005, at 1025 hours, Respondent withdrew 8 mg of the
3 controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient;
4 however, this person was not a patient at Kaiser on this date. Respondent failed to account for
5 the disposition of any portion of the Dilaudid in any hospital record.

6 **Patient 22**

7 v. On August 19, 2005, at 0930 hours, Respondent withdrew 8 mg of the
8 controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient;
9 however, this person was not a patient at Kaiser on this date. Respondent failed to account for
10 the disposition of any portion of the Dilaudid in any hospital record.

11 **Patient 23**

12 w. On August 19, 2005, at 1145 hours, Respondent withdrew 8 mg of the
13 controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient
14 when there was no physician's order. Respondent failed to account for the disposition of any
15 portion of the Dilaudid in any hospital record.

16 **Patient 24**

17 x. On August 22, 2005, at an unknown time, Respondent, using another
18 nurse's name, withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug
19 Distribution Record for this patient when there was no physician's order. Respondent failed to
20 account for the disposition of any portion of the Dilaudid in any hospital record.

21 **Patient 25**

22 y. On August 23, 2005, at 1100 hours, Respondent, withdrew 4 mg of the
23 controlled substance Dilaudid from the Controlled Drug Distribution Record for this patient;
24 however, this person was not a patient at Kaiser on this date. Respondent failed to account for
25 the disposition of any portion of the Dilaudid in any hospital record.

26 **Patient 26**

27 z. On August 23, 2005, 1210 hours, Respondent, using an assumed name,
28 withdrew 4 mg of the controlled substance Dilaudid from the Controlled Drug Distribution

1 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
2 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

3 Patient 27

4 aa. On August 24, 2005, 1145 hours, Respondent, using an assumed name,
5 withdrew 8 mg of the controlled substance Dilaudid from the Controlled Drug Distribution
6 Record for this patient; however, this person was not a patient at Kaiser on this date. Respondent
7 failed to account for the disposition of any portion of the Dilaudid in any hospital record.

8 FIFTH CAUSE FOR DISCIPLINE

9 (Dishonest Acts)


10 15. Respondent is subject to disciplinary action under Code section 2878, subdivision
11 (j), in that Respondent committed acts of dishonesty, fraud or deceit, as more particularly set
12 forth in paragraphs 15 and 16, above.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
16 Technicians issue a decision:

- 17 1. Revoking or suspending Vocational Nurse License Number VN 154198 issued to
18 Sonja Ruth Dery, also known as Sonja Ruth Baker, Sonja Ruth Singo, and Sonja Ruth Boswell;
19 2. Ordering Sonja Ruth Dery, also known as Sonja Ruth Baker, Sonja Ruth Singo,
20 and Sonja Ruth Boswell to pay the Board of Vocational Nursing and Psychiatric Technicians the
21 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
22 125.3; and,
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: January 22, 2009

25 
26 TERESA BELLO-JONES, J.D., M.S.N., R.N.
27 Executive Officer
28 Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant